

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BILLY JACK THOMAS, :
Petitioner, :
: vs. : CIVIL ACTION 12-0365-KD-M
: :
TONY PATTERSON, :
Respondent. :
:

ORDER

After due and proper consideration of all pleadings in this file, and a *de novo* determination of those portions of the Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated October 18, 2012 is **ADOPTED** as the opinion of this Court.

It is **ORDERED** that this habeas petition is **DENIED** and that this action is **DISMISSED**. It is further **ORDERED** that, should Petitioner file a certificate of appealability, it is **DENIED** as he is not entitled to appeal *in forma pauperis*.

DONE and **ORDERED** this the 13th day of **November 2012**.

/s/ Kristi K. DuBose
KRISTI K. DUBOSE
UNITED STATES DISTRICT JUDGE